

AO 91 (Rev. 08/09) Criminal Complaint

FILED
U.S. DISTRICT COURT
DISTRICT OF NEW MEXICO

UNITED STATES DISTRICT COURT

2017 SEP 19 AM 9:42

for the

District of New Mexico

CLERK-LAS CRUCES

United States of America

v.

PACHECO, Alexander
RODRIGUEZ, David Jr.

Case No.

17-MJ-2473

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 09/16/2017 in the county of Otero in the
District of New Mexico, the defendant(s) violated:

Code Section

21 USC 841 (a)(1)

Offense Description

Possession with Intent to Distribute a Controlled Substance, to wit:
approximately 29.48 kilograms (65.0 pounds) of marijuana, a Schedule I
controlled substance;

21 U.S.C. 846

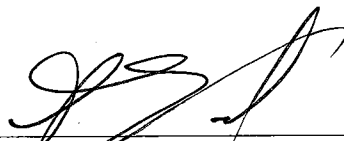
Conspiracy to Possess with the Intent to Distribute a Controlled Substance,
to wit: approximately 29.48 kilograms (65.0 pounds) of marijuana, a Schedule
I controlled substance.

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

☒ Continued on the attached sheet.
Complainant's signatureRobert Originales, Task Force Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: 09/19/2017
Judge's signatureCity and state: Las Cruces, New MexicoU.S. Magistrate Stephan M. Vidmar
Printed name and title

**ATTACHMENT A
AFFIDAVIT**

I, Robert Originales, Affiant, being duly sworn, state that the following information is true and correct to the best of my knowledge and belief:

According to US Border Patrol Report of Apprehension: ALA1709000009, dated September 16, 2017, the following information is based upon information provided to me by other agents and is presented as probable cause to arrest Alexander PACHECO and David RODRIGUEZ Jr.

On September 16, 2017, Agent J. Young was conducting primary inspection at USBP checkpoint on Highway 54, south of Alamogordo, New Mexico. At approximately 1650 hours, a 2001 White BMW bearing Texas license plates JYK1183, entered the checkpoint for inspection. Agent Young greeted the driver (later identified as RODRIGUEZ Jr, David and passenger (later identified as PACHECO, Alexander and questioned them as to their citizenship. RODRIGUEZ stated he was a United States citizen. He further stated they were going to Ruidoso, New Mexico.

Agent Young noticed a strong odor of air freshener coming from the car. Agent Young inquired as to the nature of their visit to Ruidoso. RODRIGUEZ stated they were going for a BBQ. Agent Young asked RODRIGUEZ for permission to look in the trunk of the car. RODRIGUEZ gave verbal consent for Agent young to look in the trunk of the car. Agent Young observed that RODRIGUEZ voice was becoming broken as he would speak. At the time of the initial encounter RODRIGUEZ voice was not broken. Agent Young asked RODRIGUEZ for consent to perform a canine inspection. RODRIGUEZ consented to the inspection and was referred to the secondary inspection area for further inspection.

While in the secondary inspection area, Agent Young conducted a canine inspection. Agent Young conducted a systematic canine inspection of the vehicle and Agent Young's canine partner "Pit" alerted to the vehicle.

Agent Young informed Agents P. Mascorro and Agent J. Gutierrez of the canine alert to the vehicle. Agent P. Mascorro searched the car and discovered 61 plastic wrapped bundles of a green leafy substance located inside two red and blue Adidas duffle bags inside the trunk in the spare tire area of the BMW.

Agent Young tested one plastic wrapped bundle of green leafy substance to which it tested positive for marijuana.

Agent Gutierrez and Agent Mascorro placed RODRIGUEZ and PACHECO under arrest and escorted them into the checkpoint for further processing.

PACHECO was advised of his rights utilizing CBP Form I-214 (Warning as to Rights) in the English language by Agent P. Mascorro which was witnessed by Agent E. Mora.

PACHECO acknowledged understanding of his rights by signing form I-214 and was willing to make a statement and answer questions at this time to Agent E. Mora.

PACHECO stated that he was kidnapped in Juarez, Mexico by unknown people. PACHECO stated that the subjects that kidnapped him forced him to take the marijuana to Oklahoma or they would harm his family. PACHECO was to meet an unknown person in the San Elizario market where 2 males put the marijuana bundles in the spare tire area of his vehicle and instructed him to drive to Oklahoma. PACHECO stated that his cousin RODRIGUEZ also knew that they were transporting narcotics to Oklahoma.

RODRIGUEZ was advised of his rights utilizing CBP Form I-214 (Warning as to Rights) in the English language by Agent P. Mascorro which was witnessed by Agent E. Mora.

RODRIGUEZ acknowledged understanding of his rights by signing form I-214 but invoked his rights to legal counsel. No further questions were asked.

Drug Enforcement Administration (DEA) Special Agent (SA) Bobby Enriquez was contacted and accepted the case for prosecution as per Assistant United States Attorney Alfred Perez.

At approximately 7:40 a.m., DEA TFA Originales and DEA SA Enriquez responded to the Alamogordo, New Mexico U.S. Highway 54 Border Patrol Checkpoint. At approximately 9:06 a.m., DEA TFA Originales advised PACHECO of his rights via government form DEA-13 as witnessed by DEA SA Enriquez. PACHECO acknowledged his rights and waived his right to the presence of an attorney as indicated by his signature on the DEA 13.

PACHECO stated on Sunday September 10, 2017, at approximately 3:00 or 4:00 pm while he was in the town of San Ignacio, Juarez, Chihuahua (valley of Juarez) visiting family and cruising the town streets a male subject by the name of Arnulfo SANDOVAL picked him up.

PACHECO states as he was cruising in his BMW when a white Jeep Cherokee cut him off and forced him to the side of the road. PACHECO states Arnulfo and 3 other male subjects got off the jeep and pointed Assault rifles (cuerno de chivo) at him and told him to get inside the jeep. PACHECO states once he got inside the Jeep he was blind folded with a hoodie covering his head. PACHECO states he was taken to an unknown place by a road that was a short distance from where he was picked up.

PACHECO states Arnulfo knew his family, knew he owned a vehicle and knew he would visit the town frequently. PACHECO states Arnulfo told him he had to take some "MOTA" Marijuana to Oklahoma City, OK. PACHECO states Arnulfo threatened to harm his family if he did not transport the marijuana. PACHECO states he had no other choice so he agreed. PACHECO states he agreed to do it for the safety of his little brother. PACHECO states he was let go and was told to travel to Fabens, TX where he was to meet a dark green older model Ford expedition SUV with tinted window by the San Elizario Market store that is by the main street that leads to Interstate 10.

PACHECO state on the same date around 6:00 pm or 7:00 pm he picked up two duffle bags from a male driver of the green SUV. PACHECO states he told the driver of the green SUV that he was coming on behalf of Arnulfo SANDOVAL. PACHECO states the blue with red Adidas duffle bags were heavy and he put them in the trunk of his BMW vehicle. PACHECO states he

drove home and parked the car inside the garage. PACHECO states he open one of the duffle bags and saw brick squares wrapped in clear tape and black tape.

PACHECO states on Friday September 15, 2017 at approximately around noon he received a phone call from Arnulfo telling him he needed to have the drugs delivered in Oklahoma City, OK, by Monday September 18, 2017. PACHECO states once he arrived in Oklahoma City, OK, Arnulfo was going to call him and give him directions of the deliver location.

PACHECO states he asked his cousin RODRIGUEZ to go with him so that he could help him drive. PACHECO states his cousin RODRIGUEZ and himself knew they were transporting marijuana. PACHECO states he was not going to get paid for the delivery of the drugs.

At approximately 10:36 a.m., DEA TFA Originales advised RODRIGUEZ of his rights via government form DEA-13 as witnessed by DEA SA Enriquez. RODRIGUEZ acknowledged his rights and invoked his right to the presence of an attorney as indicated by his signature on the DEA 13. Further investigative questioning was ceased


Both PACHECO and RODRIGUEZ were subsequently transported to the Dona Ana County Detention center for booking and processing.

Both PACHECO and RODRIGUEZ along with the marijuana, currency, and all personal property were turned over to DEA TFA Originales and DEA SA Enriquez.

Based on the above stated information your affiant believes that there is sufficient probable cause to show that PACHECO and RODRIGUEZ knowingly and intentionally conspired to possess with the intent to distribute 29.48 kilograms (65.0 pounds) of marijuana, a Schedule I Controlled Substance and this being a violation of Title 21, USC 846.


DEA Task Force Agent Robert Originales

SWORN to before me this
19th day of September, 2017


United States Magistrate Judge
Stephan M. Vidmar